IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.812 OF 2006

1.Mr. Machindra Tulshiram
Pilane,
2. Tulshiram Eknath Pilane
3. Gorakh Tulshiram Pilane ...Applicants.

V/s

State of Maharashtra ..Respondents.

Mr. S.S. Thombare for the applicants.
Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 8th March, 2006

P.C.:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. The applicants were arrested in connection with C.R. No.99 of 2005 registered at Saswad Police Station for the offence punishable under sections 498(A), 306, 304(B) read with section 34 of the Indian Penal Code.

3. The deceased got married to applicant No.1 on 29/4/2004 and, allegedly, she committed suicide between 8/11/2005 and 11/11/2005. The father of the

deceased lodged a report in Police Station on 11/11/2005 that his daughter is missing since 8/11/2005. In the complaint, the father of the deceased had narrated the manner in which the deceased was treated with physical and mental cruelty by her husband and in-laws. He has stated that even when the deceased was in the 8th month of her pregnancy, she was mercilessly assaulted and on various occasions demand for dowry was made by the father-in-law and the assurance was given that if the said demand was met, the deceased would be treated in good manner. Even after the deceased was missing from the house on 8/11/2005, no complaint was filed by the applicant Nos. 1 and 2 and by the mother-in-law. The father of the deceased, after he came to know that the deceased was seen near the Canal on 8/11/2005, filed a complaint.

4. Though, a charge-sheet has been filed, there is every possibility of the accused tampering with the evidence and threatening the parents of the deceased. Considering the allegations which are made by the complainant against the applicant Nos. 1 and 2 and considering the seriousness and gravity of the offence, in my view, this is not a fit case for grant of bail. There is a steep increase in the number of

such crimes which are committed on account of demand of dowry.

5. Under these circumstances, in my view, this is not a fit case for grant of bail so far as applicant Nos. 1 and 2 are concerned. However, from the complaint which is made by the father of the deceased, it appears that there are no serious allegations against the applicant No.3. Therefore, the applicant No.3 is entitled to be released on bail.

6. In the result, the application for bail filed by the applicant Nos. 1 and 2 is rejected.

7. The applicant No.3 be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall report to Saswad Police Station once in a week till the disposal of the trial. If any complaint is made that the applicant No.3 is trying to threaten the witnesses, his bail is liable to be cancelled.

8. It is clarified that any observations made by this Court while deciding this application may not be construed to mean as an expression of opinion on merits of the case and these observations have been

made only for the purpose of deciding this application on the submissions made by the learned Counsel for the applicants and the learned APP for the State.

9. Application is disposed of in the above terms.

V.M. KANADE, J.